

BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) CORRECTED NOTICE OF
2.21.6608, 2.21.6613, 2.21.6615, and) AMENDMENT
2.21.6616 pertaining to employee)
records management)

TO: All Concerned Persons

1. On June 9, 2011, the department published MAR Notice No. 2-21-453 regarding a public hearing on the proposed amendment of the above-stated rules at page 998 of the 2011 Montana Administrative Register, Issue No. 11. On August 25, 2011, the department published the notice of adoption at page 1677 of the 2011 Montana Administrative Register, Issue No. 16.

2. The department failed to include the full title of the Reasonable Accommodation and Equal Access Policy in ARM 2.21.6613(4). In ARM 2.21.6616, the department should have noted that (2) remained unchanged in the proposal. The rules, as amended in corrected form, read as follows, deleted matter interlined, new matter underlined:

2.21.6613 RECORDS THAT CONTAIN GENETIC INFORMATION

(1) through (3)(e) remain as amended.

(4) GINA prohibits the collection of genetic information, except in specific instances. Refer to the FMLA (MOM #03-0309), Sick Leave (MOM #03-0310), Equal Employment Opportunity, Nondiscrimination, and Harassment Prevention (ARM, Title 2, chapter 21, subchapter 40), and Reasonable Accommodation and Equal Access ~~[MAR Notice No. 2-21-446, New Rules I through XX published in this issue]~~ (ARM Title 2, chapter 21, subchapter 41) policies for exceptions to obtaining genetic information.

2.21.6616 EMPLOYEE PERSONNEL RECORDS USE (1) remains as amended.

(2) remains the same.

3. The replacement pages for this corrected notice will be submitted to the Secretary of State on September 30, 2011.

By: /s/ Janet R. Kelly
Janet R. Kelly, Director
Department of Administration

By: /s/ Michael P. Manion
Michael P. Manion, Rule Reviewer
Department of Administration

Certified to the Secretary of State September 12, 2011.

18-9/22/11

Montana Administrative Register